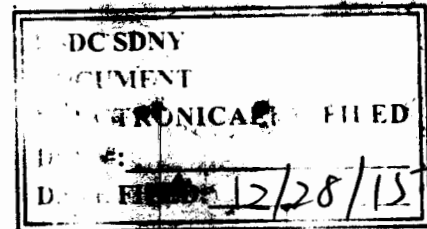


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



FRAN KOSKY ROTH IRA, on Behalf of Nominal  
Defendant, VEREIT, INC., formerly known as  
AMERICAN REALTY CAPITAL PROPERTIES,  
INC.,

Plaintiff,

Civil Action No.1:15-cv-09318-  
AKH

v.

GLENN J. RUFRANO, BRUCE FRANK, HUGH R.  
FRATER, MARK S. ORDAN, JULIE G.  
RICHARDSON, NICHOLAS S. SCHORSCH,  
DAVID KAY, BRIAN BLOCK, LISA BEESON and  
GRANT THORNTON, LLP,

Defendants,

--and--

VEREIT, INC., formerly known as AMERICAN  
REALTY CAPITAL PROPERTIES, INC.,

Nominal Defendant.


**STIPULATION AND ~~PROPOSED~~ ORDER OF VOLUNTARY DISMISSAL WITHOUT  
PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their  
respective counsel that the above-captioned action is dismissed without prejudice against  
defendants Glenn J. Rufrano, Bruce Frank, Hugh R. Frater, Mark S. Ordan, Julie G. Richardson,  
Nicholas S. Schorsch, David Kay, Brian Block, Lisa Beeson, Grant Thornton, LLP and nominal  
defendant VEREIT, Inc., formerly known as American Realty Capital Properties, Inc.

pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and 23.1(c).

Date: December 22, 2015

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SO ORDERED this 28 day of December, 2015.

  
ALVIN K. HELLERSTEIN  
United States District Judge